HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 6946 of 2007

DATED: 5-04-2007

Between:

Smt K.Sumathi @ Sumathamma

…Petitioner

and

The Joint Collector (Civil Supplies),
Nalgonda, Nalgonda Dist. and another

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 6946 of 2007

ORAL ORDER:

The writ petitioner was the Fair Price Shop Dealer in respect of Shop No. 2 of Bondugala Village, Rajapet Mandal, Nalgonda District. On allegation of delayed distribution of Sugar, an essential commodity and for failing to record the available stock as closing balance of October, 2006, the petitioner was issued a show-cause notice, her explanation received and considered and an order of cancellation of authorization passed, by the 2nd respondent on 10-1-2007. Thereagainst, the petitioner preferred an appeal on 9-2-2007 to the 1st respondent along with an application seeking interim stay of the order of cancellation. Meanwhile, pursuant to the order of cancellation by the 2nd respondent, the shop in question was also notified for grant of fresh authorization and applications were called for.

On 8-3-2007 the 1st respondent stayed the notification calling for applications for grant of a permanent authorization. By a subsequent order dated 15-3-2007, the 1st respondent rejected the petitioner's application for stay (of the order of cancellation of the authorization) and directed the 2nd respondent to send the relevant records for considering the appeal on merits.

The petitioner asserts that the rejection by the 1st respondent of the petitioner's application for interim relief is arbitrary and irrational. Hence this writ petition.

Having heard the learned counsel for the petitioner and the

learned Government Pleader for Civil Supplies, the writ petition is disposed of at the stage of admission.

The 1st respondent as the appellate authority has the discretion to consider whether a stay ought to be granted. It is not obligatory that in every case stay should be granted. The petitioner's authorization was cancelled by the 2nd respondent on allegations of irregular conduct in the running of the Fair Price Shop. In the circumstances, the refusal by the 1st respondent to grant a stay cannot be characterized as irrational. No case is made out for interference. The 1st respondent shall however, expeditiously dispose of the appeal preferred by the petitioner, preferably within a period of sixty days from the date of receipt of a copy of this order.

With the above observations, the writ petition is dismissed. There shall be no order as to costs.

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GODA RAGHURAM, J

5-04-2007
GRR